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Application Serial Number 10/627,358 : Examiner: Eric Olson
Art Unit 1614
Cc: Technology Center 1600 – Florence R. Patterson tel:(571)272-0544
Cc: Commissioner for Patents - P.O. Box 1450 Alexandria, Virginia 22313-1450
from Applicant: Peter Migaly

MAY 22 2008

To Eric Olson Examiner,
and to Technology Center 1600 – Florence R. Patterson Tel:(571)272-0544
and to Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Total number of pages: 4 – *hard copy to follow to* Commissioner for Patents
P.O. Box 1450 Alexandria, Virginia 22313-1450

Faxed to [direct Fax number]: (571) 273-9051 and
(571) 273-8300 – on 5-22-08 9:15pm EST

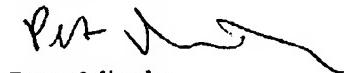
Sir: Re: Response in regards to PTO Office communication dated 05-16-08

In reference to the attached copy of the PTO Office communication [**Notice of improper request for continued examination (RCE)**], I called the PTO IACtr (ref#:1122424829) today at about 11:45am (after also leaving a message to Florence R. Patterson). They have transferred me to the examiner's voicemail where I left a message. Neither of you had a chance to return my call yet.

Please understand that I'm doing this reply to the PTO Office Action by myself without attorney representation, and in no way I meant my Amendment and Reply to be an RCE. (In fact I mailed my reply to Mail stop: Amendment). Unfortunately, in copying on my computer for the format of the first page, and doing that from my prior reply, I left erroneously in parenthesis in the line of Amendment and response "(Request for Continued Examination)", and that created confusion. I have not noticed that that would be the same as the abbreviation RCE, and meant that you would continue with your examination to my response (that is without requesting an RCE).

Enclosed for your file please find the first page of my reply dated April 28, 2008 wherein I error-d out the words causing the confusion, signed and dated the correction.
Please also find a copy of the office communication dated 05-16-08.
Please let me know if I need to do anything else. Thank you.

Respectfully submitted



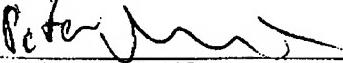
Peter Migaly
Cell phone: (724)840-0464
P.O. Box 237
Blairsville, PA 15717-0237

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Mail Stop AMENDMENT
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450 on April 28, 2008


Applicant (Peter Migaly, M.D.)April 28, 2008
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of : COMBINATION THERAPY FOR
Peter Migaly : DEPRESSION, PREVENTION OF
Application Serial Number 10/627,358 : SUICIDE, AND VARIOUS MEDICAL
Filing Date: July 23, 2003 : AND PSYCHIATRIC CONDITIONS
Examiner: Eric Olson : pro se (no layer) case
: former Doeket Number: 290194-00001
: Art Unit 1614

AMENDMENT AND RESPONSE (Request for Continued Examination)

April 28, 2008

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

error
(Error noted, dated, FAXed to PTO
on 5/22/08 per JWR Shz/08
(Peter Migaly))

Sir:

In response to the Office Action Dated October 31, 2007, please amend the above-identified application as follows:

A request of three months extension of time accompanies this response.

We started the reply at page 6.

Summary of the reply to the Claim Objections begins at page 71.

Discussion of the new claims begins at page 75.

Amendments to the Claims are reflected in the listing of claims which begins on Page 79 of this paper.

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www.uspto.gov

MAY 22 2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,358	07/25/2003	Peter Migaly	290194-00001	2456
7590	05/16/2008			
DR. PETER MIGALY P.O. BOX 237 BLAIRSVILLE, PA 15717			EXAMINER OLSON, ERIC	
			ART UNIT 1623	PAPER NUMBER
			MAIL DATE 05/16/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**NOTICE OF IMPROPER REQUEST FOR
CONTINUED EXAMINATION (RCE)**
Application No.
10/627,358Applicant(s)
MIGALY, PETERArt Unit
1600

Date Mailed:

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The request for continued examination (RCE) under 37 CFR 1.114 filed on 01 May, 2008 is improper for reason(s) indicated below:

1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d). An RCE cannot be treated as a CPA.
2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b).
3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on _____. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

Note: A continued prosecution application (CPA) under 37 CFR 1.53(d) cannot be filed in a utility or plant application. A CPA filed in a utility or plant application that has a filing date on or after June 8, 1995 will be treated as an RCE under 37 CFR 1.114. The request for a CPA in the instant application, however, has been treated as an improper RCE for the reason(s) indicated above.

A copy of this Notice MUST be returned with the reply.

Direct any questions concerning this notice to

/FLORENCE R. PATTERSON/, Technology Center 1600

Telephone Number: (571)272-0544